

### **REMARKS/ARGUMENTS**

This paper is responsive to the Office Action mailed March 4, 2009. Claims 1-5, 9-10, 15, 18, 22 and 32-45 were pending before submission of this paper. Claims 1-5, 9-10, 15, 18, 22 and 32-45 stand rejected. Claims 5, 15, 18, 32-34 and 37-39 have been amended. Claims 6-8, 11-14, 16-17 19-21 and 23-31 have been cancelled. Support for all amendments can be found in the specification, and no new matter has been added by these amendments. Reconsideration of the claims in view of the amendments and the following remarks is respectfully requested.

#### **I. CLAIM OBJECTIONS UNDER 37 CFR § 1.75(c)**

Claim 10 is objected to under 37 CFR § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, claim 10 depended from cancelled claim 5. Applicant has amended claim 10 to depend from claim 5. Therefore, Applicant respectfully submits that the reason for objection has been addressed and, accordingly, and that the objection should be withdrawn.

#### **II. CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

With regard to rejections under 35 U.S.C. § 103, the Examiner must provide evidence which as a whole shows that the legal determination sought to be proved (*i.e.*, the reference teachings establish a *prima facie* case of obviousness) is more probable than not.” M.P.E.P. §2142. Accordingly, “the key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” M.P.E.P. § 2142; *see KSR International Co. v. Teleflex, Inc.*, 550 U.S.398, 82 USPQ 2d 1385, 1395-97 (2007).

When rejecting the claims based on a combination of prior art elements according to known methods to yield predictable results, as the Office Action does in the present instance, the Office Action must articulate four factual findings. M.P.E.P. § 2143(A). First, there must be “a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being

the lack of actual combination of the elements in a single prior art reference.” *Id.* Second, there must be “a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately.” *Id.* Third, there must be “a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable.” *Id.* Fourth, there must be articulation of “whatever additional findings based on the Graham factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.” *Id.*

**A. Claims 1-4, 35, and 40-45**

Claims 1-4, 35, and 40-45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Allen et al. (US 5,737,491, hereinafter “Allen”) in view of Ausems et al. (US 6,434,403, hereinafter “Ausems”). Applicant respectfully disagrees.

**1. Independent Claim 1**

Claim 1 recites:

The process of making images or other data from an image capturing device or other data capturing device or a combination thereof available to one or more authorized user, said capturing device having an electronically readable device serial number and cellular Internet communication capability, said capturing device (a) providing use information specifying said one or more authorized user of said images or other data, (b) capturing said images or other data, and (c) accessing the Internet with said cellular Internet communication capability for initiating the transmitting of said images or other data to a service provider associated with said device serial number, the process comprising: said service provider associating said device serial number and said use information to provide said images or other data to said one or more authorized user.

Such subject matter as recited by claim 1 is not disclosed, taught, or suggested by Allen or Ausems, either individually or in combination.

For example, as noted above, claim 1 recites “said capturing device (a) providing use information specifying said one or more authorized user of said images or other data.” The

Office Action at page 4 acknowledges that “Allen does not expressly disclose ‘use information specifying said one or more authorized user of said images or other data,’” but alleges that the combination of Allen and Ausems does. Specifically, the Office Action notes that “Allen also discloses wherein the central processing unit is programmed to read identification codes associated with the digital images that are received and to retrieve the owner information” and that “Ausems teaches a PDA telephone that includes a camera, where the camera records video images and stores them within the PDA telephone, and where the video images recorded by the camera may be transmitted from PDA telephone in real time.” According to the Office Action on page 5, “it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system for digital image capture and transmission which includes a central processing unit programmed to read identification code associated with the digital images and with information relating to the owner as disclosed by Allen to include an authentication operation as taught by Ausems in order to provide a means of security by including an authorizing process for users who wish to access the captured data and in order to prevent unauthorized users from accessing sensitive data.”

Applicant respectfully submits that Ausems does not make up for Allen’s failure to disclose, teach, or suggest “use information specifying said one or more authorized user of said images or other data” as recited in claim 1. Specifically, Applicant respectfully points out that, as noted in the Office Action on page 4, “Ausems teaches a PDA telephone that includes a camera, where the camera records video images and stores them within the PDA telephone, and where the video images recorded by the camera may be transmitted from PDA telephone in real time” at column 5, lines 10-23. Further, the Office Action on pages 4-5 notes that “Ausems teaches biometric sensors, such as fingerprint ID devices etc., which may be coupled to PDA telephone through I/O module, and where such sensors provide security features that prevent unauthorized users from exploiting the PDA telephone.” Thus, as acknowledged in the Office Action, Ausems teaches information that specifies an authorized user of a device, such as a PDA telephone. Applicant submits that this is substantially different than that which is recited by claim 1.

Specifically, Applicant respectfully notes that claim 1 recites “use information specifying said one or more authorized user of said images or other data.” Applicant submits that a PDA telephone is not “images or other data,” as recited in claim 1 and, therefore, that Ausems does not teach “use information specifying said one or more authorized user of said images or other data,” as recited in claim 1. Therefore, Applicant respectfully submits that claim 1 is allowable under 35 U.S.C. § 103 over Allen in view of Ausems.

**2. Independent Claim 3**

Claim 3 recites a process that includes “said capturing device (a) providing use information specifying said one or more authorized user of said images or other data.” Therefore, for at least reasons similar to those discussed above in connection with claim 1, Applicant respectfully submits that the proposed combination of Allen and Ausems does not teach such subject matter as recited in claim 3. Therefore, Applicant respectfully submits that claim 3 is allowable under 35 U.S.C. § 103 over Allen in view of Ausems.

**3. Independent Claim 40**

Claim 40 recites a process that includes “using use information specifying one or more authorized user of said images or other data.” Therefore, for at least reasons similar to those discussed above in connection with claim 1, Applicant respectfully submits that the proposed combination of Allen and Ausems does not teach such subject matter as recited in claim 40. Therefore, Applicant respectfully submits that claim 40 is allowable under 35 U.S.C. § 103 over Allen in view of Ausems.

**4. Independent Claim 42**

Claim 42 recites a process that includes “use information specifying said one or more authorized users of said images or other data.” Therefore, for at least reasons similar to those discussed above in connection with claim 1, Applicant respectfully submits that the proposed combination of Allen and Ausems does not teach such subject matter as recited in claim 42. Therefore, Applicant respectfully submits that claim 42 is allowable under 35 U.S.C. § 103 over Allen in view of Ausems.

**5. Independent Claim 44**

Claim 44 recites a process that includes “using use information specifying one or more authorized user of said images or other data.” Therefore, for at least reasons similar to those discussed above in connection with claim 1, Applicant respectfully submits that the proposed combination of Allen and Ausems does not teach such subject matter as recited in claim 44. Therefore, Applicant respectfully submits that claim 44 is allowable under 35 U.S.C. § 103 over Allen in view of Ausems.

**B. Claim 36**

Claim 36 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Allen in view of Ausems and in further view of WirelessWeek (Copyright © 2002 EBSCO Publishing 7/22/02). Applicant respectfully disagrees.

Applicant respectfully submits that WirelessWeek does not make up for Allen and Ausem’s failure to disclose, teach, or suggest “said capturing device (a) providing use information specifying said one or more authorized user of said images or other data,” as recited in claim 1, from which claim 36 depends. Specifically, as noted by the Office Action at page 10, WirelessWeek teaches various bases for billing an organization, but not “use information specifying said one or more authorized user of said images or other data,” as recited in claim 1. Therefore, for at least this reason, Applicant respectfully submits that claim 36 is allowable under 35 U.S.C. § 103 over Allen in view of Ausems and WirelessWeek.

**C. Claim 5**

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Roustaei et al. (US 2001/0034333 A1, hereinafter “Roustaei”) in view of Allen. Applicant respectfully disagrees.

Amended claim 5 recites “an image capturing device or other data capturing device, or combination thereof, having cellular Internet capability and an apparatus operable to delete a captured image or other data as a result of said captured image or other data being completely transmitted by said capability.” Applicant respectfully submits that such subject

matter as recited in claim 5 is not disclosed, taught, or suggested by Roustaei or Allen, either individually or in combination.

The Office Action at page 11 acknowledges that “Roustaei does not expressly disclose an apparatus to delete a captured image or other data as a result of said captured image or other data being completely transmitted by said capability” but asserts that “Allen teaches an operation via a microphone that digitizes the voice command wherein if the command is erase the digital image stored is erased.” The Office Action reasons that, consequentially, “it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data transmitting mechanism of Roustaei to include an erase command as taught by Allen in order to delete the captured images after it has been transmitted via a network in which will allow users to capture images for various applications and correctly transmit them over the network.” Thus, because claim 5 (prior to the present amendment) recited “an apparatus operable to delete a captured image or other data as a result of said captured image or other data being completely transmitted by said capability” and because the Office Action alleges that the prior art teaches deleting images after transmission, it appears that the Office Action interprets claim 5 to read on a person providing a command to delete images or data, the person giving the command as a result of the images or data having been completely transmitted.

While Applicant respectfully disagrees with the rejection, Applicant has amended claim 5 to clarify that the “apparatus [is] operable to delete a captured image or other data as a result of said captured image or other data being completely transmitted by said capability.” Applicant respectfully submits that Roustaei and Allen do not in fact disclose, teach, or suggest “an apparatus to delete a captured image or other data as a result of said captured image or other data being completely transmitted by said capability,” as recited in claim 5. Indeed, as characterized in the Office Action at page 11, Allen teaches “an operation via a microphone that digitizes the voice command wherein if the command is erase the digital image stored is erased” and “if the command is erase, the digital image stored in the camera is erased.” Thus, Allen teaches an apparatus erasing a digital image as a result of receiving a user voice command. Therefore, because “after” and “as a result” have substantially different meaning under any reasonable interpretation of the terms in light of Applicant’s specification, the proposed

combination of Roustaei and Allen would, at most, teach deleting an image after transmission of the image as a result of receiving a voice command, but not an apparatus deleting an image or other data "as a result of said captured image or other data being completely transmitted by said capability," as recited in claim 5. Therefore, for at least the forgoing reason, Applicant respectfully submits that claim 5 is allowable under 35 U.S.C. § 103 over Roustaei in view of Allen.

**D. Claim 9**

Claim 9 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Roustaei in view of Allen and in further view of Inoue et al. (US 6,853,403 B1, hereinafter "Inoue"). Applicant respectfully disagrees.

Applicant respectfully submits that Inoue does not make up for Roustaei and Allen's failure to disclose, teach, or suggest "an image capturing device or other data capturing device, or combination thereof, having cellular Internet capability and an apparatus operable to delete a captured image or other data as a result of said captured image or other data being completely transmitted by said capability," as recited in claim 5, from which claim 9 depends. Specifically, as characterized by the Office Action at page 12, Inoue teaches "a self-timer mode that allows the camera to shoot an image without the use of a human at the site and time of said capture since the capturing device is set to automatically shoot an image." Inoue does not, however, disclose, teach, or suggest the apparatus recited in claim 5 and, through dependency, in claim 9. Therefore, for at least this reason, Applicant respectfully submits that claim 9 is allowable under 35 U.S.C. § 103 over Roustaei, Allen, and Inoue.

**E. Claim 10**

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Roustaei in view of Allen and in further view of Minne et al. (US 6,950,129 B1, hereinafter "Minne").

Applicant respectfully submits that Minne does not make up for Roustai and Allen's failure to disclose, teach, or suggest "an image capturing device or other data capturing device, or combination thereof, having cellular Internet capability and an apparatus operable to

delete a captured image or other data as a result of said captured image or other data being completely transmitted by said capability,” as recited in claim 5, from which claim 10 depends. Specifically, as characterized by the Office Action at page 13, “Minne teaches a disposable digital camera that includes an electronic digital camera system for generating digital images data representative of a captured image.” Minne, however, does not disclose, teach, or suggest the apparatus recited in claim 5 and, through dependency, in claim 10. Therefore, for at least this reason, Applicant respectfully submits that claim 10 is allowable under 35 U.S.C. § 103 over Roustaei, Allen, and Inoue. Therefore, for at least this reason, Applicant respectfully submits that claim 9 is allowable under 35 U.S.C. § 103 over Roustaei, Allen, and Minne.

**F. Claim 15**

Claim 15 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Roustaei in view of Ausems.

As amended, claim 15 recites:

A PDA having cellular Internet access capability for receiving images or other data from a device also having cellular Internet access capability, said images or other data having been captured by said device, said PDA using its cellular Internet access capability for transmitting said images or other data over the Internet for delivery to one or more authorized user, said PDA running software providing instructions for operating on said images or other data during such delivery, wherein said images or other data relate to parcel delivery applications, to public safety applications, to public utility applications, or to a combination of the foregoing, and wherein said image or other data, or combination thereof, is captured and transmitted to said one or more authorized user independent of a human-initiated command to capture and transmit said image or other data.

Such subject matter as recited in claim 15 is not disclosed, taught, or suggested by Roustaei or Ausems, either individually or in combination.

For example, the Office Action at pages 14-15 acknowledges that Roustaei “does not expressly disclose:... wherein said image or other data or combination thereof is automatically captured and transmitted to said one or more authorized user without the use of a human at the site and time of said capture” but asserts that Ausems teaches this element at column 5, lines 10-23 because “wherein said image or other data or combination thereof is automatically captured and transmitted to said one or more authorized user without the use of a



human at the site and time of said capture” and because *In re Venner*, 120 U.S.P.Q. 192, allegedly holds that “broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art.” While Applicant respectfully disagrees with the Office Action’s reliance on *In re Venner* at least because capturing and transmitting images or data is not a manual activity to which *In re Venner*’s holding may apply, Applicant has amended claim 15 to further distinguish the subject matter of the claim from the teachings of Ausems.

Specifically, as amended, claim 15 recites that “said image or other data, or combination thereof, is captured and transmitted to said one or more authorized user independent of a human-initiated command to capture and transmit said image or other data.” As best understood by Applicant, the device in Ausems requires a human-initiated command to record video images in real time. For example, Ausems describes that “side-action buttons 115 may be used to execute other functions of PDA telephone, such as the muting of telephone calls, the accessing of menu items, etc.,” and that “buttons 130 may be used to perform other functions in PDA telephone 1000, such as speaker volume adjustment, etc.” Thus, while Ausems does not appear to describe how the video capture is initiated, from context, it appears that one of several buttons would be used to execute video capture commands. In any event, the reference does not disclose, teach, or suggest “said image or other data, or combination thereof, is captured and transmitted to said one or more authorized user independent of a human-initiated command to capture and transmit said image or other data,” as recited by claim 15. Therefore, for at least the foregoing reason, Applicant respectfully submits that claim 15 is allowable under 35 U.S.C. § 103 over Roustaei and Ausems.

**G. Claim 18**

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ausems in view of Allen.

As amended, claim 18 recites:

18. A PDA having cellular Internet access capability for receiving images or other data from a device also having cellular Internet access capability, said images or other data having been captured by said device, said PDA using its cellular Internet access capability for transmitting said images or other data to a CSP or a PCSP, said PDA running software providing said CSP or PCSP with instructions for operating on said images or other data, wherein said image or other data, or combination thereof, relate to parcel delivery applications, to public safety applications, to public utility applications, or to a combination of the foregoing and is captured and transmitted to said CSP or PCSP independent of a human-initiated command at the site and time of said capture, and wherein said instructions are provided to said CSP or PCSP over cellular Internet access or by satellite access.

Such subject matter as recited in claim 18 is not disclosed, taught, or suggested by Ausems in view of Allen. For example, claim 18 recites “said image or other data, or combination thereof...is captured and transmitted to said CSP or PCSP independent of a human-initiated command at the site and time of said capture.” As discussed above in connection with claim 15, Ausems (and also Roustaei, whether individually or in combination with Ausems) does not disclose, teach, or suggest this element. Applicant respectfully submits that Allen does not make up for the failure of Ausems (and/or Roustaei) to teach this element. As characterized by the Office Action on page 17,

Allen teaches speedy delivery of photographs of an event to the photo editor performed in the field of professional photography especially in the field of photo journalism and sports photography, (col. 1, lines 14-30); and where a photographer can capture electronic image at a event or scenic spot (col. 1, line 66 - col. 2, line 7). In addition Allen teaches a transmission module connected to the image fulfillment server for transmitting the digital images over anyone or more of a plurality of secondary communication channels (col. 3, line 29 - col. A, line 14). Furthermore, Allen teaches an input device used to enter information such as electronic addresses of file names that are to be associated with photographer's utterances in order to transmit data locally or via wireless transmissions

Applicant respectfully submits that mere “speedy delivery of photographs” as described by Allen is different from “said image or other data, or combination thereof...[being] captured and transmitted to said CSP or PCSP independent of a human-initiated command at the

site and time of said capture.” Therefore, for at least this reason, Applicant respectfully submits that claim 18 is allowable under 35 U.S.C. § 103 over Ausems and Allen, and Roustaei.

#### **H. Claim 22**

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ausems in view of Allen and in further view of Minne.

Applicant respectfully submits that Minne does not make up for Roustai and Allen’s failure to disclose, teach, or suggest “said image or other data, or combination thereof...[being] captured and transmitted to said CSP or PCSP independent of a human-initiated command at the site and time of said capture,” as recited in claim 18, from which claim 22 depends. Specifically, as characterized by the Office Action at page 18, “Minne teaches a disposable digital camera that includes an electronic digital camera system for generating digital images data representative of a captured image.” Minne, however, does not disclose, teach, or suggest “said image or other data, or combination thereof...[being] captured and transmitted to said CSP or PCSP independent of a human-initiated command at the site and time of said capture” as recited in claim 18 and, through dependency, in claim 22. Therefore, for at least this reason, Applicant respectfully submits that claim 22 is allowable under 35 U.S.C. § 103 over Roustaei, Allen, and Inoue. Therefore, for at least this reason, Applicant respectfully submits that claim 9 is allowable under 35 U.S.C. § 103 over Roustaei, Allen, and Minne.

#### **I. Claims 32-34**

Claims 32-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roustaei in view of Ausems and in further view of Croy et al. (US 6,476,825, hereinafter “Croy”).

##### **1. Claim 32**

As amended, claim 32 recites

The process of aggregating at a service provider into one information feed multiple data streams of images or data, or a combination thereof, received via cellular Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for initiating delivery of said images or other data to the service provider,

said one information feed being displayed from a website of the service provider for at least one authorized user by said service provider.

Such subject matter as recited in claim 32 is not disclosed, taught, or suggested by Roustaei, Allen, Croy, and Shaginaw, either individually or in combination. Specifically, claim 32 recites “the process of aggregating at a service provider into one information feed multiple data streams of images or data.” The Office Action at page 25 acknowledges that “Roustaei does not expressly disclose “aggregating into one information feed multiple data streams of fragmentary data,” but asserts that Croy teaches wherein a multiplexer and an overlay unit with assistance from the image memory and mode controller, transfers data packets from the image memory for display in the hand-held remote device.” According to the Office Action, “it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the PDA or an internet appliance for transmitting the images over a network of Roustaei to include ...the multiplexed data streams as taught by Croy and providing data files...in order to display aggregated data streams received via communication means (internet/cellular) from plurality of devices and displaying data...to the authorized users in order to improve user access and prevent access to sensitive transmitted data.”

Applicant has amended claim 32 to clarify that the process includes “aggregating at a service provider into one information feed multiple data streams of images or data” where the multiple data streams are “received...from a plurality of devices” and “being displayed from a central website of the service provider.”

As noted in the Office Action, Croy teaches a “multiplexer and an overlay unit.” As described by Croy in column 26, lines 11-12, “the multiplexer and overlay unit 5634 multiplexes video and audio packets.” Further, the multiplexer and overlay unit are part of a base unit which “provides services for the hand-held remote device” such as “delivering audio and video signals in the video viewing mode or external data and information for the EPG mode” and “as a charging station for the batteries in the hand-held remote device.” As shown in Figure 55 of Croy, the base unit connects to a television monitor and communicates with a hand-held remote device. Therefore, Croy teaches, at most, aggregating data at a base unit and not, at a

service provider, as recited in claim 32. Thus, Croy does not make up for the failure of Roustaei to disclose, teach, or suggest “aggregating at a service provider into one information feed multiple data streams of images or data.”

In addition, Applicant respectfully submits that Croy is not analogous art. In order to rely on a prior art reference in a rejection under 35 U.S.C. 103, the reference must be analogous art. M.P.E.P. § 2141.01(a). For a reference to be analogous, it must either be in Applicant’s field of endeavor or must be a reference that is reasonably pertinent because it deals with matter that logically would have commended itself to an inventor’s attention in considering his or her invention as a whole. *Id.*

As discussed above, Croy teaches a base station that connects to a television monitor and communicates with a hand-held remote device. As described by Croy, the base unit is used in “a control device and system for remotely viewing video programming and for monitoring and controlling electronic devices. Claim 32, however, recites “the process of aggregating at a service provider into one information feed multiple data streams of images or data.” Applicant respectfully submits that these fields are substantially different and that Croy does not deal with matter that logically would have commended itself to an inventor’s attention in considering his or her invention as a whole. Therefore, even assuming *arguendo* that Croy teaches “aggregating at a service provider into one information feed multiple data streams of images or data” (which it does not), the combination of Croy’s teachings with the teachings of the other cited references would nevertheless be improper.

Applicant respectfully submits that Allen and Shaginaw also do not make up for the failure of Roustaei and Croy to disclose, teach, or suggest “aggregating at a service provider into one information feed multiple data streams of images or data,” as recited in claim 32. For example, Allen is directed to “a system for digital image capture and transmission” that “includes a digital camera that has an electronic image sensor for sensing an image and producing a digital image.” Allen, Abstract. The system includes an image fulfillment server, but as best understood by Applicant, the image fulfillment server does not aggregate multiple data feeds. *See, e.g.,* Allen, column 3, lines 11-28; column 4, line 55 through column 5, line 3. Similarly, Shaginaw is directed to “a data structure for exchanging billing information.

Shaginaw, Abstract. The reference teaches a content and service provider 110, but does not teach that this content and service provider aggregates into one information feed multiple data streams of images or data,” as recited in claim 32. Therefore, for at least the foregoing reasons, Applicant respectfully submits that claim 32 is allowable under 35 U.S.C. § 103 over Roustaei, Croy, Allen, and Shaginaw.

Applicant further submits that Roustaei, Croy, Allen, and Shaginaw do not disclose, teach, or suggest, either individually or in combination, “said one information feed being displayed from a website of the service provider for at least one authorized user by said service provider,” as recited in claim 32. For instance, the Office Action at page 20 cites to Croy for a teaching of “said one information feed being displayed for at least one authorized user.” However, as discussed above, Applicant respectfully points out that Croy teaches “a hand-held remote device in communication with the base unit via a data link” where the hand-held device includes “a display component for displaying at least a portion of the external information received from the data interface...[and] for rendering video content in the video programming signals received from the video interface.” Applicant respectfully submits that, even assuming *arguendo* that Croy teaches aggregating into one information feed multiple data streams, as recited in claim 32, Croy still does not teach “said one information feed being displayed from a website of the service provider for at least one authorized user by said service provider” at least because the hand-held device of Croy does not display anything “from a website of the service provider,” as recited in claim 32. Applicant further submits that Roustaei, Allen, and Shaginaw do not make up for the failure of Croy to teach this element. Therefore, Applicant respectfully submits that claim 32 is allowable under 35 U.S.C. § 103 over Roustai, Croy, Allen, and Shaginaw.

## **2. Claim 33**

Amended claim 33 recites a process that includes:

a CSP or PCSP aggregating for an ASP into one information feed multiple data streams of images or data, or a combination thereof received via cellular Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for initiating delivery of said images or

other data to the ASP, said one information feed being displayed from a website of the ASP for an authorized user by said ASP.

Therefore, for at least reasons similar to those discussed above in connection with claim 32, Applicant respectfully submits that the proposed combination of Roustaei, Allen, Shaginaw, and Croy does not teach such subject matter as recited in claim 33. Therefore, Applicant respectfully submits that claim 33 is allowable under 35 U.S.C. § 103 over Roustaei, Allen, Shaginaw, and Croy.

**3. Claim 34**

Amended claim 34 recites a process that includes:

an ASP aggregating into one information feed multiple data streams of images or data, or a combination thereof received via cellular Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for initiating delivery of said images or other data to the ASP, said one information feed being displayed from a website of the ASP for one or more authorized user by said ASP.

Therefore, for at least reasons similar to those discussed above in connection with claim 32, Applicant respectfully submits that the proposed combination of Roustaei, Allen, Shaginaw, and Croy does not teach such subject matter as recited in claim 34. Therefore, Applicant respectfully submits that claim 34 is allowable under 35 U.S.C. § 103 over Roustaei, Allen, Shaginaw, and Croy.

**J. Claims 37-39**

Claims 37-39 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Roustaei in view of Allen in view of Croy and in further view of Shaginaw et al. (US 2003/010594 A1, hereinafter “Shaginaw”).

**1. Claim 37**

Amended claim 37 recites a process that includes:

aggregating at a service provider into one information feed multiple data streams of fragmentary data received via cellular Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for initiating delivery of said images or other data to the

service provider, said one information feed being displayed using an XML or other agreed protocol data feed for displaying said images or other data to one or more authorized user by said service provider.

Therefore, for at least reasons similar to those discussed above in connection with claim 32, Applicant respectfully submits that the proposed combination of Roustaei, Allen, Shaginaw, and Croy does not teach such subject matter as recited in claim 37. Therefore, Applicant respectfully submits that claim 37 is allowable under 35 U.S.C. § 103 over Roustaei, Allen, Shaginaw, and Croy.

**2. Claim 38**

Amended claim 37 recites a process that includes:

a CSP or PCSP aggregating for an ASP into one information feed multiple data streams of fragmentary data received via cellular Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for accessing with said capability a CSP or PCSP for delivery of said images or other data to the ASP,

said one information feed being displayed using an XML or other agreed protocol data feed for displaying said images or other data to an authorized user by said ASP.

Therefore, for at least reasons similar to those discussed above in connection with claim 32, Applicant respectfully submits that the proposed combination of Roustaei, Allen, Shaginaw, and Croy does not teach such subject matter as recited in claim 38. Therefore, Applicant respectfully submits that claim 38 is allowable under 35 U.S.C. § 103 over Roustaei, Allen, Shaginaw, and Croy.

**3. Claim 39**

Amended claim 39 recites a process that includes:

an ASP aggregating into one information feed multiple data streams of fragmentary data received via Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for accessing with said capability a CSP or PCSP for delivery of said images or other data to the ASP, said one information feed being displayed using an XML or other



agreed protocol data feed for displaying said images or other data to one or more authorized user by said ASP.

Therefore, for at least reasons similar to those discussed above in connection with claim 32, Applicant respectfully submits that the proposed combination of Roustaei, Allen, Shaginaw, and Croy does not teach such subject matter as recited in claim 39. Therefore, Applicant respectfully submits that claim 39 is allowable under 35 U.S.C. § 103 over Roustaei, Allen, Shaginaw, and Croy.

### **III. AMENDMENTS TO THE CLAIMS**

This amendment addresses the independent claims and some dependent claims pending in the application. Because Applicant submits that the independent claims are allowable, the other dependent claims are allowable at least because they are dependent upon an allowable claim. Nevertheless, Applicant submits that the dependent claims further define subject matter not shown in or made obvious in view of the prior art.

Unless otherwise specified or addressed in the remarks section, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter. In addition, by focusing on specific claims and claim elements in the discussion above, Applicant does not imply that other claim elements are disclosed or suggested by the references. In addition, any characterizations of claims and/or cited art are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by another prosecution. Accordingly, reviewers of this or any child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present disclosure.

**CONCLUSION**

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

/Scott S. Adams/

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